

1 KEKER & VAN NEST, LLP
ROBERT A. VAN NEST - #84065 (rvannest@kvn.com)
2 WENDY J. THURM - #163558 (wthurm@kvn.com)
STEVEN K. YODA - #237739 (syoda@kvn.com)
3 710 Sansome Street
San Francisco, CA 94111-1704
4 Telephone: (415) 391-5400
Facsimile: (415) 397-7188
5

Attorneys for Plaintiff
6 THELEN REID & PRIEST LLP
7

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10

11 THELEN REID & PRIEST LLP,
12 Plaintiff,
13 v.
14 FRANÇOIS MARLAND,
15 Defendant.
16

Case No. C 06-2071 VRW

**STIPULATION AND ~~[PROPOSED]~~
ORDER**

1 WHEREAS Defendant François Marland (“Marland”) initiated an arbitration proceeding
2 against Plaintiff Thelen Reid & Priest LLP (“Thelen”) in New York (“the New York Arbitration
3 Proceeding”) on February 13, 2006;

4 WHEREAS Thelen filed a Complaint for Declaratory and Injunctive Relief against
5 Marland on March 21, 2006;

6 WHEREAS Thelen filed a Motion for Preliminary Injunction on March 24, 2006,
7 seeking, in part, an order from this Court prohibiting Marland from proceeding with the New
8 York Arbitration Proceeding;

9 WHEREAS the hearing on Thelen’s Motion for Preliminary Injunction is currently
10 scheduled for June 8, 2008;

11 WHEREAS the deadline for Marland to file an opposition to Thelen’s Motion for
12 Preliminary Injunction is May 11, 2006;

13 WHEREAS Marland filed a Motion to Dismiss on May 1, 2006;

14 WHEREAS Thelen filed a First Amended Complaint on May 3, 2006;

15 WHEREAS Thelen and Marland desire to conduct discovery prior to this Court’s
16 resolution of Thelen’s Motion for Preliminary Injunction;

17
18 NOW, THEREFORE, Thelen and Marland stipulate and agree as follows:
19

20 1. The New York Arbitration Proceeding shall be stayed, until such time as this
21 Court enters a final order on Thelen’s Motion for Preliminary Injunction;

22 2. Thelen’s Motion for Preliminary Injunction shall be taken off-calendar;

23 3. Marland shall Answer or move to dismiss Thelen’s First Amended Complaint on
24 May 23, 2006;

25 4. After Marland files his Answer, the parties shall meet and confer regarding (a)
26 the scope of discovery to be completed prior to the date on which Marland shall file his
27 opposition to Thelen’s Motion for Preliminary Injunction; and (b) a briefing schedule and new
28 hearing date for Thelen’s Motion for Preliminary Injunction.

1 5. This Stipulation and every part hereof is entered into in the interests of the
2 reaching an orderly and just resolution of the parties' disputes, without prejudice to any party's
3 position regarding the claims and defenses asserted in this action or in the New York Arbitration
4 Proceeding. Nothing in this Stipulation shall be deemed to constitute a waiver of any substantive
5 or procedural right, claim, or defense of any party, except for such matters as are expressly set
6 forth herein.

7
8 Dated: May 10, 2006

KEKER & VAN NEST, LLP

9
10 By: /s/ Wendy J. Thurm
11 WENDY J. THURM
12 Attorneys for Plaintiff
THELEN REID & PRIEST LLP

13
14 Dated: May 10, 2006

CARLSON, CALLADINE & PETERSON
LLP

15
16 By: /s/ Guy D. Calladine
17 GUY D. CALLADINE
18 Attorneys for Defendant
FRANÇOIS MARLAND

19
20 **IT IS SO ORDERED.**

21
22 Dated: May 22, 2006

